

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 564 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No
 2. To be referred to the Reporter or not? No :
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement? No
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No
 5. Whether it is to be circulated to the Civil Judge? No :

SANGHI OXYGEN

Versus

KAMAL OXYGEN

Appearance:

MR SI NANAVATI for Petitioner
MR MC SHAH for Respondent No. 1,

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 21/03/2000

ORAL JUDGEMENT

1. This is an Appeal against the order dated 22nd April 1980 of Joint Civil Judge (SD), Vadodara, confirming the attachment order for a sum of Rs.40,000/-. The Appeal has been preferred by Garnishi who is

represented by Shri S.I.Nanavati. Shri M.C.Shah appears for respondent No.1. None appears for the respondent No.2.

2. Shri Nanavati states that an amount of Rs.55,000/- has been deposited in the Court below. This statement is not opposed by Shri Shah. He, however, states that the decretal amount has been paid to the decree holder by the judgment debtor. It is jointly requested that the impugned order may be set aside and since the amount of Rs.55,000/- has been deposited by the Garnishi, the Garnishi - appellant may be permitted to withdraw this amount from the Court below, if the same or any part thereof has not been withdrawn so far.

3. In view of this joint statement of learned Counsel for the parties, the Appeal is allowed. The impugned order is set aside. The Garnishi - appellant is permitted to withdraw Rs.55,000/- deposited by him. No order as to costs.

sd/-

Date : March 21, 2000 (D. C. Srivastava, J.)

sas